

HOUSE LABOR AND HUMAN RESOURCES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 798

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO PUBLIC EMPLOYEES RETIREMENT; AMENDING THE PUBLIC  
EMPLOYEES RETIREMENT ACT TO CHANGE THE RETIREMENT ELIGIBILITY  
FOR NEW MEMBERS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME  
SECTION OF LAW IN LAWS 2003.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-11-26.2 NMSA 1978 (being Laws 1994,  
Chapter 128, Section 3) is amended to read:

"10-11-26.2. STATE GENERAL MEMBER COVERAGE PLAN 3--AGE  
AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--

A. Under state general member coverage plan 3:

(1) for a member who is a peace officer and  
for a member who is not a peace officer but was a retired  
member or a member on June 30, 2009, the age and service credit  
requirements for normal retirement are:

.177781.1

underscoring material = new  
[bracketed material] = delete

1                   ~~[A.]~~ (a) age sixty-five years or older  
2 and five or more years of service credit;

3                   ~~[B.]~~ (b) age sixty-four years and eight  
4 or more years of service credit;

5                   ~~[C.]~~ (c) age sixty-three years and  
6 eleven or more years of service credit;

7                   ~~[D.]~~ (d) age sixty-two years and  
8 fourteen or more years of service credit;

9                   ~~[E.]~~ (e) age sixty-one years and  
10 seventeen or more years of service credit;

11                   ~~[F.]~~ (f) age sixty years and twenty or  
12 more years of service credit; and

13                   ~~[G.]~~ (g) any age and twenty-five or more  
14 years of service credit; and

15                   (2) for a member who is not a peace officer  
16 and was not a retired member or a member on June 30, 2009, the  
17 age and service requirements for normal retirement are:

18                   (a) age sixty-seven years or older and  
19 five or more years of service credit;

20                   (b) age sixty-six years and seven or  
21 more years of service credit;

22                   (c) age sixty-five years and eight or  
23 more years of service credit;

24                   (d) age sixty-four years and ten or more  
25 years of service credit;

1                   (e) age sixty-three years and thirteen  
2 or more years of service credit;

3                   (f) age sixty-two years and sixteen or  
4 more years of service credit;

5                   (g) age sixty-one years and nineteen or  
6 more years of service credit;

7                   (h) age sixty years and twenty or more  
8 years of service credit; or

9                   (i) any age and thirty or more years of  
10 service credit.

11                   B. As used in this section, "peace officer" means  
12 any employee of the state with a duty to maintain public order  
13 or to make arrests for crime, whether that duty extends to all  
14 crimes or is limited to specific crimes, and who is not  
15 specifically covered by another coverage plan."

16                   Section 2. Section 10-11-27 NMSA 1978 (being Laws 1987,  
17 Chapter 253, Section 27, as amended by Laws 2003, Chapter 268,  
18 Section 9 and by Laws 2003, Chapter 269, Section 1) is amended  
19 to read:

20                   "10-11-27. STATE POLICE MEMBER AND ADULT CORRECTIONAL  
21 OFFICER MEMBER COVERAGE PLAN 1--APPLICABILITY.--

22                   A. State police member and adult correctional  
23 officer member coverage plan 1 is applicable to state police  
24 members who are not specifically covered by another coverage  
25 plan and to adult correctional officer members. [~~The credited~~

.177781.1

1 ~~service of a state police member who has held the permanent~~  
2 ~~rank of patrolman, sergeant, lieutenant or captain and does not~~  
3 ~~hold an exempt rank or who is assigned to the aircraft division~~  
4 ~~as a pilot, or of an adult correctional officer member, shall~~  
5 ~~have actual credited service increased by twenty percent]~~ For  
6 the purposes of state police member and adult correctional  
7 officer member coverage plan 1, a member shall have actual  
8 service credit increased by twenty percent if that member was a  
9 retired member or a member on June 30, 2009 and:

10 (1) is a state police member who holds the  
11 permanent rank of patrolman, sergeant, lieutenant or captain  
12 and does not hold an exempt rank;

13 (2) is a state police member who is assigned  
14 to the aircraft division as a pilot; or

15 (3) is an adult correctional officer member.

16 B. State police member and adult correctional  
17 officer member coverage plan 1 is applicable to adult  
18 correctional officer members in the first full pay period after  
19 July 1, 2004 if the retirement board certifies to the secretary  
20 of state that, of those adult correctional officer members to  
21 be covered under state police member and adult correctional  
22 officer member coverage plan 1, a majority of the members  
23 voting have voted to approve adoption of that plan at an  
24 election conducted pursuant to [~~Section 16 of this 2003 act~~]  
25 Laws 2003, Chapter 268, Section 16."

.177781.1

1           Section 3. Section 10-11-45 NMSA 1978 (being Laws 1987,  
2 Chapter 253, Section 45) is amended to read:

3           "10-11-45. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--AGE  
4 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
5 municipal general member coverage plan 1:

6           A. for a member who was a retired member or a  
7 member on June 30, 2009, the age and service requirements for  
8 normal retirement are:

9                   [A.] (1) age sixty-five years or older and  
10 five or more years of [~~credited~~] service credit;

11                   [B.] (2) age sixty-four years and eight or  
12 more years of [~~credited~~] service credit;

13                   [C.] (3) age sixty-three years and eleven or  
14 more years of [~~credited~~] service credit;

15                   [D.] (4) age sixty-two years and fourteen or  
16 more years of [~~credited~~] service credit;

17                   [E.] (5) age sixty-one years and seventeen or  
18 more years of [~~credited~~] service credit;

19                   [F.] (6) age sixty years and twenty or more  
20 years of [~~credited~~] service credit; or

21                   [G.] (7) any age and twenty-five or more years  
22 of [~~credited~~] service credit; and

23           B. for a member who was not a retired member or a  
24 member on June 30, 2009, the age and service requirements for  
25 normal retirement are:

.177781.1

1                   (1) age sixty-seven years or older and five or  
2 more years of service credit;

3                   (2) age sixty-six years and seven or more  
4 years of service credit;

5                   (3) age sixty-five years and eight or more  
6 years of service credit;

7                   (4) age sixty-four years and ten or more years  
8 of service credit;

9                   (5) age sixty-three years and thirteen or more  
10 years of service credit;

11                   (6) age sixty-two years and sixteen or more  
12 years of service credit;

13                   (7) age sixty-one years and nineteen or more  
14 years of service credit;

15                   (8) age sixty years and twenty or more years  
16 of service credit; or

17                   (9) any age and thirty or more years of  
18 service credit."

19                   Section 4. Section 10-11-51 NMSA 1978 (being Laws 1987,  
20 Chapter 253, Section 51) is amended to read:

21                   "10-11-51. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--AGE  
22 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
23 municipal general member coverage plan 2:

24                   A. for a member who was a retired member or a  
25 member on June 30, 2009, the age and service requirements for

.177781.1

underscored material = new  
[bracketed material] = delete

1 normal retirement are:

2           ~~[A.]~~ (1) age sixty-five years or older and  
3 five or more years of ~~[credited]~~ service credit;

4           ~~[B.]~~ (2) age sixty-four years and eight or  
5 more years of ~~[credited]~~ service credit;

6           ~~[C.]~~ (3) age sixty-three years and eleven or  
7 more years of ~~[credited]~~ service credit;

8           ~~[D.]~~ (4) age sixty-two years and fourteen or  
9 more years of ~~[credited]~~ service credit;

10           ~~[E.]~~ (5) age sixty-one years and seventeen or  
11 more years of ~~[credited]~~ service credit;

12           ~~[F.]~~ (6) age sixty years and twenty or more  
13 years of ~~[credited]~~ service credit; or

14           ~~[G.]~~ (7) any age and twenty-five or more years  
15 of ~~[credited]~~ service credit; and

16           B. for a member who was not a retired member or a  
17 member on June 30, 2009, the age and service requirements for  
18 normal retirement are:

19           (1) age sixty-seven years or older and five or  
20 more years of service credit;

21           (2) age sixty-six years and seven or more  
22 years of service credit;

23           (3) age sixty-five years and eight or more  
24 years of service credit;

25           (4) age sixty-four years and ten or more years

.177781.1

1 of service credit;

2 (5) age sixty-three years and thirteen or more  
3 years of service credit;

4 (6) age sixty-two years and sixteen or more  
5 years of service credit;

6 (7) age sixty-one years and nineteen or more  
7 years of service credit;

8 (8) age sixty years and twenty or more years  
9 of service credit; or

10 (9) any age and thirty or more years of  
11 service credit."

12 Section 5. Section 10-11-55.2 NMSA 1978 (being Laws 1993,  
13 Chapter 58, Section 2) is amended to read:

14 "10-11-55.2. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--  
15 AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
16 municipal general member coverage plan 3:

17 A. for a member who was a retired member or a  
18 member on June 30, 2009, the age and service requirements for  
19 normal retirement are:

20 [A.] (1) age sixty-five years or older and  
21 five or more years of [ereditied] service credit;

22 [B.] (2) age sixty-four years and eight or  
23 more years of [ereditied] service credit;

24 [C.] (3) age sixty-three years and eleven or  
25 more years of [ereditied] service credit;

.177781.1

underscoring material = new  
[bracketed material] = delete

1                   ~~[D.]~~ (4) age sixty-two years and fourteen or  
2 more years of ~~[e]credited~~ service credit;

3                   ~~[E.]~~ (5) age sixty-one years and seventeen or  
4 more years of ~~[e]credited~~ service credit;

5                   ~~[F.]~~ (6) age sixty years and twenty or more  
6 years of ~~[e]credited~~ service credit; or

7                   ~~[G.]~~ (7) any age and twenty-five or more years  
8 of ~~[e]credited~~ service credit; and

9                   B. for a member who was not a retired member or a  
10 member on June 30, 2009, the age and service requirements for  
11 normal retirement are:

12                   (1) age sixty-seven years or older and five or  
13 more years of service credit;

14                   (2) age sixty-six years and seven or more  
15 years of service credit;

16                   (3) age sixty-five years and eight or more  
17 years of service credit;

18                   (4) age sixty-four years and ten or more years  
19 of service credit;

20                   (5) age sixty-three years and thirteen or more  
21 years of service credit;

22                   (6) age sixty-two years and sixteen or more  
23 years of service credit;

24                   (7) age sixty-one years and nineteen or more  
25 years of service credit;

.177781.1

1                    (8) age sixty years and twenty or more years  
2 of service credit; or

3                    (9) any age and thirty or more years of  
4 service credit."

5            Section 6. Section 10-11-55.8 NMSA 1978 (being Laws 1998,  
6 Chapter 106, Section 2) is amended to read:

7            "10-11-55.8. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--  
8 AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
9 municipal general member coverage plan 4:

10            A. for a member who was a retired member or a  
11 member on June 30, 2009, the age and service requirements for  
12 normal retirement are:

13                    ~~[A.]~~ (1) age sixty-five years or older and  
14 five or more years of [ereditad] service credit;

15                    ~~[B.]~~ (2) age sixty-four years and eight or  
16 more years of [ereditad] service credit;

17                    ~~[C.]~~ (3) age sixty-three years and eleven or  
18 more years of [ereditad] service credit;

19                    ~~[D.]~~ (4) age sixty-two years and fourteen or  
20 more years of [ereditad] service credit;

21                    ~~[E.]~~ (5) age sixty-one years and seventeen or  
22 more years of [ereditad] service credit;

23                    ~~[F.]~~ (6) age sixty years and twenty or more  
24 years of [ereditad] service credit; or

25                    ~~[G.]~~ (7) any age and twenty-five or more years

1 of ~~credited~~ service credit; and

2 B. for a member who was not a retired member or a  
 3 member on June 30, 2009, the age and service requirements for  
 4 normal retirement are:

5 (1) age sixty-seven years or older and five or  
 6 more years of service credit;

7 (2) age sixty-six years and seven or more  
 8 years of service credit;

9 (3) age sixty-five years and eight or more  
 10 years of service credit;

11 (4) age sixty-four years and ten or more years  
 12 of service credit;

13 (5) age sixty-three years and thirteen or more  
 14 years of service credit;

15 (6) age sixty-two years and sixteen or more  
 16 years of service credit;

17 (7) age sixty-one years and nineteen or more  
 18 years of service credit;

19 (8) age sixty years and twenty or more years  
 20 of service credit; or

21 (9) any age and thirty or more years of  
 22 service credit."

23 Section 7. Section 10-11-69 NMSA 1978 (being Laws 1987,  
 24 Chapter 253, Section 69) is amended to read:

25 "10-11-69. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--AGE

.177781.1

1 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
2 municipal police member coverage plan 3, the age and service  
3 requirements for normal retirement are:

4 A. age sixty-five years or older and five or more  
5 years of [~~credited~~] service credit;

6 B. age sixty-four years and eight or more years of  
7 [~~credited~~] service credit;

8 C. age sixty-three years and eleven or more years  
9 of [~~credited~~] service credit;

10 D. age sixty-two years and fourteen or more years  
11 of [~~credited~~] service credit;

12 E. age sixty-one years and seventeen or more years  
13 of [~~credited~~] service credit; [~~or~~]

14 F. any age and twenty or more years of [~~credited~~]  
15 service credit for an individual who was a retired member or a  
16 member on June 30, 2009; or

17 G. any age and twenty-five or more years of service  
18 credit for an individual who was not a retired member or a  
19 member on June 30, 2009."

20 Section 8. Section 10-11-75 NMSA 1978 (being Laws 1987,  
21 Chapter 253, Section 75) is amended to read:

22 "10-11-75. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--AGE  
23 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
24 municipal police member coverage plan 4, the age and service  
25 requirements for normal retirement are:

.177781.1

1           A. age sixty-five years or older and five or more  
2 years of [~~credited~~] service credit;

3           B. age sixty-four years and eight or more years of  
4 [~~credited~~] service credit;

5           C. age sixty-three years and eleven or more years  
6 of [~~credited~~] service credit;

7           D. age sixty-two years and fourteen or more years  
8 of [~~credited~~] service credit;

9           E. age sixty-one years and seventeen or more years  
10 of [~~credited~~] service credit; [~~or~~]

11           F. any age and twenty or more years of [~~credited~~]  
12 service credit for an individual who was a retired member or a  
13 member on June 30, 2009; or

14           G. any age and twenty-five or more years of service  
15 credit for an individual who was not a retired member or a  
16 member on June 30, 2009."

17           Section 9. Section 10-11-81 NMSA 1978 (being Laws 1987,  
18 Chapter 253, Section 81) is amended to read:

19           "10-11-81. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--AGE  
20 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
21 municipal police member coverage plan 5, the age and service  
22 requirements for normal retirement are:

23           A. age sixty-five years or older and five or more  
24 years of [~~credited~~] service credit;

25           B. age sixty-four years and eight or more years of

.177781.1

1 [eredit] service credit;

2 C. age sixty-three years and eleven or more years  
3 of [eredit] service credit;

4 D. age sixty-two years and fourteen or more years  
5 of [eredit] service credit;

6 E. age sixty-one years and seventeen or more years  
7 of [eredit] service credit; [~~or~~]

8 F. any age and twenty or more years of [eredit]  
9 service credit for an individual who was a retired member or a  
10 member on June 30, 2009; or

11 G. any age and twenty-five or more years of service  
12 credit for an individual who was not a retired member or a  
13 member on June 30, 2009."

14 Section 10. Section 10-11-99 NMSA 1978 (being Laws 1987,  
15 Chapter 253, Section 99) is amended to read:

16 "10-11-99. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AGE AND  
17 SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal  
18 fire member coverage plan 3, the age and service requirements  
19 for normal retirement are:

20 A. age sixty-five years or older and five or more  
21 years of [eredit] service credit;

22 B. age sixty-four years and eight or more years of  
23 [eredit] service credit;

24 C. age sixty-three years and eleven or more years  
25 of [eredit] service credit;

.177781.1

1 D. age sixty-two years and fourteen or more years  
2 of [~~eredit~~] service credit;

3 E. age sixty-one years and seventeen or more years  
4 of [~~eredit~~] service credit; [~~or~~]

5 F. any age and twenty or more years of [~~eredit~~]  
6 service credit for an individual who was a retired member or  
7 a member on June 30, 2009; or

8 G. any age and twenty-five or more years of  
9 service credit for an individual who was not a retired member  
10 or a member on June 30, 2009."

11 Section 11. Section 10-11-105 NMSA 1978 (being Laws  
12 1987, Chapter 253, Section 105) is amended to read:

13 "10-11-105. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AGE  
14 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
15 municipal fire member coverage plan 4, the age and service  
16 requirements for normal retirement are:

17 A. age sixty-five years or older and five or more  
18 years of [~~eredit~~] service credit;

19 B. age sixty-four years and eight or more years  
20 of [~~eredit~~] service credit;

21 C. age sixty-three years and eleven or more years  
22 of [~~eredit~~] service credit;

23 D. age sixty-two years and fourteen or more years  
24 of [~~eredit~~] service credit;

25 E. age sixty-one years and seventeen or more

.177781.1

1 years of [~~eredit~~] service credit; [~~or~~]

2 F. any age and twenty or more years of [~~eredit~~]  
3 service credit for an individual who was a retired member or  
4 a member on June 30, 2009; or

5 G. any age and twenty-five or more years of  
6 service credit for an individual who was not a retired member  
7 or a member on June 30, 2009."

8 Section 12. Section 10-11-111 NMSA 1978 (being Laws  
9 1987, Chapter 253, Section 111) is amended to read:

10 "10-11-111. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AGE  
11 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under  
12 municipal fire member coverage plan 5, the age and service  
13 requirements for normal retirement are:

14 A. age sixty-five years or older and five or more  
15 years of [~~eredit~~] service credit;

16 B. age sixty-four years and eight or more years  
17 of [~~eredit~~] service credit;

18 C. age sixty-three years and eleven or more years  
19 of [~~eredit~~] service credit;

20 D. age sixty-two years and fourteen or more years  
21 of [~~eredit~~] service credit;

22 E. age sixty-one years and seventeen or more  
23 years of [~~eredit~~] service credit; [~~or~~]

24 F. any age and twenty or more years of [~~eredit~~]  
25 service credit for an individual who was a retired member or

.177781.1

underscoring material = new  
[bracketed material] = delete

1 a member on June 30, 2009; or

2 G. any age and twenty-five or more years of  
3 service credit for an individual who was not a retired member  
4 or a member on June 30, 2009."

5 Section 13. Section 10-11-115.2 NMSA 1978 (being Laws  
6 2003, Chapter 268, Section 3) is amended to read:

7 "10-11-115.2. MUNICIPAL DETENTION OFFICER MEMBER  
8 COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL  
9 RETIREMENT--CALCULATION OF [~~CREDITED~~] SERVICE CREDIT--

10 A. Under municipal detention officer member  
11 coverage plan 1, the age and service requirements for normal  
12 retirement are:

13 (1) age sixty-five years or older and five  
14 or more years of [~~credited~~] service credit;

15 (2) age sixty-four years and eight or more  
16 years of [~~credited~~] service credit;

17 (3) age sixty-three years and eleven or more  
18 years of [~~credited~~] service credit;

19 (4) age sixty-two years and fourteen or more  
20 years of [~~credited~~] service credit;

21 (5) age sixty-one years and seventeen or  
22 more years of [~~credited~~] service credit;

23 (6) age sixty years and twenty or more years  
24 of [~~credited~~] service credit; or

25 (7) any age and twenty-five or more years of

.177781.1

underscored material = new  
[bracketed material] = delete

1 [ereditad] service credit.

2 B. In calculating [ereditad] service credit for  
3 the purposes of determining retirement eligibility and amount  
4 of pension, the [ereditad] service credit of a municipal  
5 detention officer member who was a retired member or a member  
6 on June 30, 2009 shall have actual [ereditad] service credit  
7 increased by twenty percent for the purposes of municipal  
8 detention officer member coverage plan 1."

9 Section 14. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is July 1, 2009.